



Appeal Decision

Site visit made on 9 January 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/U5930/W/22/3305411

Santander, 35 Old Church Road, Waltham Forest, Chingford E4 6SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Kamaran Yad against the decision of Waltham Forest London Borough Council.
 - The application Ref 220973, dated 30 March 2022, was refused by notice dated 13 July 2022.
 - The development proposed is construction of a mansard roof extension, first floor rear extension, alterations to existing single storey rear extension, construction of an external staircase to rear and alterations to fenestration to facilitate provision of two residential units at first and second floor level with roof terrace (1x2 bed and 1xstudio) (Use Class C3) including change of use of first floor from offices (Use Class E). Provision of refuse/recycling storage to rear ground floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - Whether the proposed development would provide an accessibly safe and secure passage for future occupiers including refuse collection arrangements; and
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Accessibility

3. The appeal site relates to a two-storey property which forms part of a terrace of other similar buildings providing a commercial parade of various uses.
4. The only access to the proposed units would be to the rear, via a service road located further along Old Church Road. The proposed access road is very narrow with no pedestrian footpath, passing points or street lighting and is unrestricted leading to ad hoc parking to the rear which was evident at the time of my site visit.
5. Although this access does serve a number of existing units along the parade, it would not be a suitable access for further vehicles or pedestrians given the narrow width, lack of footpath, passing points or street lighting and it would exacerbate the existing situation to a harmful degree where conflicts could

- arise between vehicles and pedestrians to the detriment of pedestrian safety as well as giving rise to security issues.
6. I note the appellant's comments that the access road is hardly used. However, this would not outweigh the harm identified as the access would still be unsuitable for the above reasons leading to safety and security issues. I also note that there are other properties nearby that are accessed from the rear as well as practicalities associated with providing an active street frontage. However, this does not justify further development which would result in safety issues in terms of access along an unsafe route and in any event, I am considering the scheme that is in front of me and I have identified the harm that would arise.
 7. I note the Council's concern regarding the use of the access road as the sole pedestrian access to the residential units particularly if the access road were to be blocked. However, there is no compelling case that any such issues would arise from this scheme despite the unrestricted and ad hoc parking position that exists.
 8. The proposed development would also use this service road for refuse collections which are carried out by the Council's refuse collection service on street along Old Church Road. Residents would need to move refuse bins from the rear of the property to the on-street collection point which far exceeds the recommended distance and would further lead to conflicts along the access road given the limited width and lack of footway. I note that a caretaker would put the refuse bins to the front for collection. However, this would not reduce the conflict as it would still require the movement of bins over an excessive distance along a narrow access route with no pedestrian footpath.
 9. I appreciate that such arrangements may already exist nearby without any issues. However, as above, this does not justify further development where the safety and security of the users of the site would be compromised.
 10. I conclude that the proposed development would not provide an accessibly safe and secure passage for future occupiers including refuse collection arrangements and would therefore be contrary to Policy T4 of the London Plan (LP), Policies CS6, CS7, CS13, and CS15 of the Waltham Forest Local Plan Core Strategy (CS) and Policies DM23, DM24 and DM32 of the Waltham Forest Local Plan Development Management Policies (DMP) which together, amongst other things, requires development proposals to incorporate high quality and inclusive design measures to create an attractive, safe, healthy, accessible and sustainable environment and resists development proposals which increases road danger as well as ensuring the provision of facilities for the storage, collection and disposal of refuse has regard to the location of the provision by providing a safe and convenient access for occupants/users and satisfactory access for refuse collection vehicles and operatives.

Character and appearance

11. While the form and appearance of the front of the terrace is reasonably consistent, there are variations in the type of roof form, height and depths of the rear elevations along the stretch of the parade particularly at upper floor level including various external staircases which provide access to the rear.

12. The proposed development would provide an extension of limited depth, width, and overall height to provide for two residential units at first and second floor level along with an external staircase.
13. Whilst the extension including side elevations would be visible from a number of public viewpoints, its overall height which is no higher than its neighbours and its limited overall depth and width, ensures that the proposed development would not appear as visually overbearing or discordant particularly when taking into account the diverse appearance in terms of roof form, height and depths of the rear elevations along the parade.
14. I note the Council's concern regarding the use of the rear of the site for access. However, the general activity/movements associated with two residential units would not be so significant to materially or harmfully alter the character and appearance of the surrounding area particularly when taking into account the existing situation where access to the rear of properties is not uncommon.
15. I conclude that the proposed development would not have an unacceptable impact on the character and appearance of the surrounding area and would accord with Policies D1 & D4 of the LP, Policies CS13, CS15 and CS16 of the CS, Policies DM29 and DM33 of the DMP, and the Urban Design Supplementary Planning Document which together, amongst other things, seek to create positive, responsive and inclusive environments including buildings and spaces of high quality that contributes to the distinctiveness of Waltham Forest's neighbourhoods.

Other Matters

16. I note the appellant's comments regarding the delivery of housing within a sustainable location which would be a benefit. However, the modest contribution of the proposed development would not be sufficient to outweigh the harm identified taking into account the access arrangements for future occupiers including refuse collection arrangements.

Conclusion

17. Although the development does not unacceptably harm the character and appearance of the surrounding area, the proposed development would not provide an accessibly safe and secure passage for future occupiers including refuse collection arrangements and thus conflicting with the development plan as a whole. There are no other considerations that individually or cumulatively outweigh this harm and development plan conflict. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR